

ORDER OF THE COMMISSIONER OF PUBLIC HEALTH
PURSUANT TO THE GOVERNOR'S SEPTEMBER 24, 2019 DECLARATION
OF A PUBLIC HEALTH EMERGENCY

On September 24, 2019, Governor Charles D. Baker declared a Public Health Emergency in the Commonwealth due to severe lung disease associated with the use of e-cigarettes and vaping products, and the epidemic of e-cigarette use among youth (Appendix A).

In response to Governor Baker's Public Health Emergency Declaration and with the approval of the Public Health Council, on September 24, 2019, I issued an Order which temporarily prohibited the sale and public display of all vaping products in Massachusetts (hereinafter, the "Emergency Order") (Appendix B).

In furtherance of the Emergency Order, on September 24, 2019 the Department of Public Health (DPH) issued notice of the Public Health Emergency Order to all Massachusetts tobacco retailers (Appendix C).

This Implementation Order is intended to ensure clarity for businesses subject to the Emergency Order and uniformity in enforcement.

- **Geographical Application:** The Emergency Order prohibits the sale of vaping products in Massachusetts.
 - A seller located in Massachusetts may not make an in-store sale of vaping products to a consumer located in Massachusetts.
 - A seller located in Massachusetts or a seller located in any other State may not make a sale of vaping products by online, phone, or other means for delivery to a consumer located in Massachusetts.
 - A seller located in Massachusetts may make a sale of vaping products by online, phone, or other means for delivery to a consumer located in another State.
- **Prohibition on the Physical Display of Vaping Products:** The Emergency Order's ban on the display of vaping products applies only to the physical display of vaping products in retail establishments in Massachusetts. The Emergency Order therefore requires Massachusetts retailers to remove from their shelves usable product that falls within the Emergency Order's definition of "vaping products."
 - It does not apply to the online "display" of vaping products.
 - It does not limit the advertisement of vaping products.

IT IS SO ORDERED.



Monica Bharel, MD, MPH, Commissioner
Department of Public Health

10/3/19
Date